

Message Text

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PAGE 01 COTONO 00711 230046Z

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ACTION L-03

INFO OCT-01 AF-08 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 IO-13 TRSE-00 /075 W

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R 221330Z APR 76

FM AMEMBASSY COTONOU

TO SECSTATE WASHDC 8423

LIMITED OFFICIAL USE COTONOU 0711

EO 11652: NA

TAGS: PGOV, PFOR, DM

SUBJ: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:

BENINESE LAWS ON QUESTIONABLE PAYMENTS

REF (A) STATE 94647, (B) 75 COTONOU 1710,

1. POST PROVIDES FOLLOWING RESPONSE TO REQUEST POSED REF A.

ANSWERS ARE KEYED TO QUESTIONS POSED IN PARA 2.

A. NO

B. NO

C. NO.

D. NOT APPLICABLE. ELECTIONS HAVE NOT BEEN HELD IN BENIN
SINCE 1968.

E. NOT APPLICABLE. SAME AS ABOVE.

F. NO

2. THE FACT THAT NO SPECIFIC OR GENERAL LEGISLATION HAS BEEN
ENACTED ON THESE TOPICS SINCE BENIN'S INDEPENDENCE IN 1960
DOES NOT PRECLUDE THE POSSIBILITY OF PENALTIES FOR QUESTIONABLE
PAYMENTS. FRENCH LAWS PROMULGATED PRIOR TO 1960 WOULD BE
THE GOVERNING LEGISLATION IN THOSE AREAS. AS GOVT IS BY DECREE
OF THE COUNCIL OF MINISTERS, LEGISLATION COULD QUICKLY BE
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SUPPLIED TO MEET ANY PATTERN OF QUESTIONABLE PAYMENTS WHICH

MIGHT BE DISCLOSED. WHAT IS MORE LIKELY IS THAT PERSONS
CAUGHT PARTICIPATING IN SUCH ACTIONS AS THOSE DESCRIBED IN
QUESTION A (BRIBERY, SOLICITAION, ETC) WOULD BE CHARGED WITH
"CRIMES AGAINST THE STATE."

3. SUBJECT IS A SENSITIVE ISSUE IN THIS COUNTRY. PRESENT
GOVT CAME TO POWER IN 1972 CITING CORRUPTION IN THE PREVIOUS
CIVILIAN GOVT AS PRETEXT. COUP ATTEMPT INSTIGATED AGAINST
THE PRESENT GOVT IN JAN 75 WAS PARTIALLY THE RESULT OF PAYOFF
CHARGES LEVELED AT PRES KEREKOU. GOVT HAS RECENTLY ENACTED
LEGISLATION PROVIDING HARSH PENALTIES FOR GOVT OFFICIALS
FOUND GUILTY OF EMBEZZLEMENT OR ACCEPTING BRIBES. THOUGH
THE LEVEL OF CORRUPTION HAS PROBABLY DECLINED AMONG CIVIL
SERVANTS, REPORTS STILL REACH OUR EARS OF PAYOFFS MADE TO
MINISTERS.
CHESHES

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